



EXPRESS MAIL MAILING LABEL

No. EV89955546465

EXHIBIT 4

PATENT

Attorney Docket No. INL-083CP6C5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Auerbach

SERIAL NUMBER: 10/759,644

GROUP NO.: 1637

FILING DATE: January 16, 2004

EXAMINER: Horlick, Kenneth R.

TITLE: *KITS FOR ROLLING CIRCLE AMPLIFICATION (as amended)*

Terminal Disclaimer

I, James A. Clayton, Jr., state that I am a representative authorized to sign on behalf of Replicon, Inc. ("REPLICON"), identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 10/759,644. I have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and state that, to the best of my knowledge and belief, title to the above-identified application is in the name of REPLICON.

REPLICON of 101 Hartwell Avenue, Lexington, MA, 02421 is the assignee of the entire right, title and interest in and to the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office at Reel 014557, Frame 0070, from the inventor to REPLICON.

REPLICON hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on U.S. Serial No. 10/759,644 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 of prior U.S. Patent No. 6,740,745, which issued May 25, 2004, and U.S. Patent No. 6,448,017, which issued September 10, 2002, and hereby agrees that any patent so granted on U.S. Serial No. 10/759,644 shall be enforceable only for and during such period that it and U.S. Patent Nos. 6,740,745 and

6,448,017 are commonly owned. This agreement runs with any patent granted on U.S. Serial No. 10/759,644 and is binding upon the assignee, its successors or assigns.

REPLICON does not disclaim the terminal part of the term of any patent granted on U.S. Serial No. 10/759,644 prior to the expiration date of the full statutory term of either U.S. Patent No. 6,740,745 or 6,448,017, in the event that either U.S. Patent No. 6,740,745 or 6,448,017 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Assignee: REPLICON, INC.

By: _____

Name: James A. Clayton, Jr.

Title:

Date _____